

Proposed Rulemaking

A proposed rulemaking is the first step in the rulemaking process. There are three (3) distinct types of proposed rulemakings—proposed rule, proposed amendment, and proposed rescission.

A proposed rule is used to address new issues or situations in an agency's area of expertise. A new rule may be necessary or desirable because of a change in the law or a change in circumstances. A proposed rule is, therefore, a new rule that an agency has under consideration for adoption and is subject to comments from the general public. The entire text of the proposed rule will be published in the *Missouri Register*. The rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed amendment is a change in an existing rule. The change may be necessary or desirable because of a change in the law or a change in circumstances. A proposed amendment indicates a change in a rule that is currently published in the *Code of State Regulations* and the proposed change is subject to comments from the general public. If the change occurs in a section of a rule, the entire section will be published. If the change occurs in a subsection of the rule, the entire section, subsection and all text indented under this subsection must be submitted for publication. All material to be deleted from the rule will be placed in brackets and *[italic]* typeface and all new material in the rule will be printed in **bold** typeface. The amended rule does not become effective until all of the statutorily prescribed steps have been taken.

A proposed rescission is a repeal of an existing rule. The rescission may be necessary because the rule has become obsolete or there is a change in circumstances. A proposed rescission requires the publication of the rule number and title, the general subject of the rule and the authority section. The text of the rule will not be published. The proposed rescission is subject to comments from the general public. The proposed rescission does not become effective until all of the statutorily prescribed steps have been taken.

The proposed rulemaking will be published in the *Missouri Register*.

This section is divided into three subsections—Proposed Rule, Proposed Amendment, and Proposed Rescission.

Proposed Rule

Step 1: Preparing for a proposed rule

- Determine the statutory authority
- Determine whether a rule is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the rule (sections 536.200 and 536.205, RSMo 2000)
- Determine the rule number after consultation with the Administrative Rules Division

Step 2: Parts of a proposed rule

- Header
- Rule Number and Title
- Purpose for Rule
- Text
- Forms (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal note (if applicable)

Proposed Rule

Step 3: Drafting a proposed rule

Header. This is written in **bold** typeface and includes number and name of department, number and name of division and number and name of chapter.

Example
Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

Type of rulemaking.

PROPOSED RULE

Number and title. This is written in **bold** typeface.

15 CSR 30-750.007 Filing Rules in Person

Write the *PURPOSE* statement. This statement gives a brief explanation of the rule. It is written in *italic* typeface.

PURPOSE: This rule explains where to file rules in person.

PUBLISHER'S NOTE: This statement indicates that material has been incorporated by reference in the rule (see section (4) in the example). It is written in *italic* typeface.

PUBLISHER'S NOTE: "The secretary of state has determined that the publication of the entire material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. The entire text of the material which is so incorporated is on file with the agency who filed this rule, and with the office of secretary of state. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction."

Write the text of the rule.

Text is presented in the following format and indented by subdivisions:

Section (1)

(1) Rules may be filed in person any Monday through Friday from 8:00 a.m. to 5:00 p.m. except state holidays and other such days when state offices are closed, including:

Subsection (1)(A)

(A) Saturdays;

Paragraph (1)(A)1.

(B) Sundays; and

Subparagraph (1)(A)1.A.

(C) State holidays which may include, but are not limited to—

Part (1)(A)1.A.(I)

Subpart (1)(A)1.A.(I)(a)

Item (1)(A)1.A.(I)(a)I.

Subitem (1)(A)1.A.(I)(a)I.a.

1. The normal twelve (12) governor-approved holidays;

2. Inauguration Day; and

3. The Friday following Thanksgiving.

It may be difficult for the reader to follow a requirement that is buried deep in the subdivisions. Therefore you may want to limit the number of subdivisions into which you divide your rule.

(2) Rules should be filed with the Office of the Secretary of State, Administrative Rules Division, which is located in Room 337 of the James C. Kirkpatrick State Information Center, 600 W. Main Street, Jefferson City, Missouri.

When using numbers, spell out the number followed by the number in numeric figures in parentheses.

Proposed Rule

Example—continued

NOTE: If *forms* are published with the rule, the language “included herein” must appear in the text of the rule. The form will appear before the authority section.

NOTE: If forms are not published with the rule, the language “incorporated by reference,” will be used. A Publisher’s Note will be printed with the rule and the forms must be filed with your agency and the Office of the Secretary of State.

NOTE: Reference material may be incorporated in the text of the rule by using the language “incorporated by reference.” A current copy of this material must be on file in the Office of the Secretary of State, as well as with your own agency. A Publisher’s Note will be printed with the rule.

(3) Agencies filing rules should bring with them the proper electronic copy as well as all required paperwork which includes the following—

- (A) Transmittal sheet, included herein;
- (B) Cover letter;
- (C) Affidavit; and
- (D) Fiscal note (if applicable to rule).

(4) The procedures to be followed in writing and filing a rule are found in the *Rulemaking 1-2-3, Missouri Style*, which is incorporated by reference in this rule.



Proposed Rule

Example

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number _____
Diskette File Name _____
Name of person to call with questions about this rule: _____
Content _____ Phone _____ FAX _____
Data entry _____ Phone _____ FAX _____
E-mail address _____
Interagency mailing address _____
Statutory Authority _____ Current RSMo date _____
Date filed with the Joint Committee on Administrative Rules _____

B. CHECK, IF INCLUDED:

<input type="checkbox"/> This transmittal completed	<input type="checkbox"/> Incorporation by reference materials, if any
<input type="checkbox"/> Cover letter	<input type="checkbox"/> Authority with history of the rule
<input type="checkbox"/> Affidavit	<input type="checkbox"/> Public cost
<input type="checkbox"/> Forms, number of pages _____	<input type="checkbox"/> Private cost
<input type="checkbox"/> Fiscal notes	<input type="checkbox"/> Hearing and comment period

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination
MUST include effective date _____
☐ Proposed Rulemaking (circle one) rule, amendment, or rescission
☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination
MUST complete page 2 of this transmittal
☐ Withdrawal (circle one) rule, amendment, rescission or emergency)
☐ Rule action notice
☐ In addition
☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

JCAR Stamp

(Example of form that is "included herein" with the rule)

Proposed Rule



(Example of form "included herein" with the rule—
continued)

Example—continued

RULE TRANSMITTAL (PAGE 2)

- E. ORDER OF RULEMAKING: Rule Number _____
- 1a. Effective Date for the Order
☐ Statutory 30 days
Specific date _____
- 1b. Does the Order of Rulemaking contain changes to the rule text?
☐ YES ☐ NO
- 1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.
- F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

Proposed Rule

Example—continued

AUTHORITY SECTION—this gives the most recent statutory cite for authority to promulgate the rule. It also gives the date the rule was filed.

PUBLIC COST (requires an affidavit)—this states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST—this states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rule at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rule in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rule and the address to which the comments should be directed (section 536.021.2(5), RSMo 2000). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo 2000).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered. The hearing shall be held not less than thirty (30) days after publication of the proposed rule in the *Missouri Register*.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2(6), RSMo 2000).

AUTHORITY: section 536.023, RSMo 2000. Original rule filed May 14, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions three thousand six hundred seventy-eight dollars (\$3,678) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, Administrative Rules Division, Lynne C. Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OR

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, Administrative Rules Division, Lynne C. Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 9:00 a.m., August 17, 2001 in the Interpretive Center in the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.*

Proposed Rule

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.
- This section contains a checklist of items for filing.
- This section describes the type of rulemaking action and dates necessary for filing.
- This section allows you to add any additional information.

NOTE: **Only** the first page of the rule transmittal sheet is completed for the proposed rule.



Example

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number _____
Diskette File Name _____
Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Data entry _____ Phone _____ FAX _____
E-mail address _____
Interagency mailing address _____
Statutory Authority _____ Current RSMo date _____
Date filed with the Joint Committee on Administrative Rules _____

B. CHECK, IF INCLUDED:

- | | |
|---|---|
| <input type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages _____ | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination
MUST include effective date _____
- ☐ Proposed Rulemaking (circle one) rule, amendment, or rescission
- ☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination
MUST complete page 2 of this transmittal
- ☐ Withdrawal (circle one) rule, amendment, rescission or emergency)
- ☐ Rule action notice
- ☐ In addition
- ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

JCAR Stamp

Proposed Rule

B. Prepare cover letter

Example

Address letter to the secretary of state

Date:

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

List rule number and title (may include more than one rule)

Dear Secretary Blunt,

RE: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the proposed rule

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by *name of your department, board or commission* on this *date*.

Include date of filing

State economic impact on small businesses

The *name of your department, board or commission* has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The *name of your department, board or commission* also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

State that a takings analysis has occurred

Statutory Authority: sections *your agency's statute for rulemaking*.

If there are any questions regarding the content of the rule, please contact:

Name

Address

Phone Number

E-mail

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division.

Signature of proper authority

Name and title of proper authority

Name of department, board or commission

C. Prepare affidavit (public cost)

AFFIDAVIT

PUBLIC COST

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, *name of person with authority, name of department, board or commission*, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule, *number of rule*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Subscribed and sworn to before me this _____ day of *month*,
year. I am commissioned as a notary public within the County of
name of county, State of Missouri, and my commission expires on
date.

Notary Public

Proposed Rule

Example

D. Review proposed rule and all attached documents

FISCAL NOTE

E. Fiscal notes—Public and Private

PUBLIC COST

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000)

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the same numbers are utilized.



I. RULE NUMBER

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rule
- Detailed estimated cost of compliance with the proposed rule
- Agency's assumptions, references and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

Example

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rule

F. Prepare for filing any forms that have been “included herein” in the text of the rule.

G. Prepare for filing any material that have been “incorporated by reference” in the text of the rule.

H. Prepare diskette, formatted in Microsoft Word, for delivery with the proposed rule.



Proposed Rule

Step 5: Final preparations

Assemble packet for each rule in the following order—

1. Rule Transmittal Sheet
2. Cover letter
3. Affidavit
4. Rule
5. Fiscal note (if applicable)
6. Forms ("included herein")
7. A properly formatted diskette, in Microsoft Word, containing the proposed rule.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR) This should include an original cover letter addressed to JCAR.

Make two (2) copies of the entire packet for filing with the Office of the Secretary of State.

Make as many copies of the packet as needed for your own records.

Each rule is submitted as a separate filing and must include all of the above.

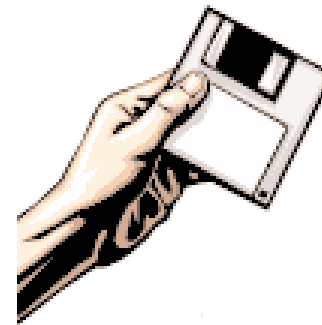
Step 6: Filing of rule

On the same day—

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 337, 600 W. Main St., Jefferson City, Missouri.

Bring diskette containing the text of the proposed rule formatted in Microsoft Word.



Proposed Rule

Step 7: Statement of actual cost (section 536.200.2, RSMo 2000)

After one (1) full fiscal year of implementation of the rule—

- Review the original public fiscal note for estimated cost greater than five hundred dollars (\$500) or affidavit if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities
- If the actual cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost, together with the actual cost, as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1198–1199). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than 10 percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

Title 10—ELECTED OFFICIALS Division 30—Secretary of State Chapter 750—Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on May 1, 2000 (25 MoReg 1199) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Amendment

Step 1: Preparing for a proposed amendment

- Determine the statutory authority
- Determine whether the amendment is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the amendment (sections 536.200 and 536.205, RSMo 2000)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* on diskette from the staff in Administrative Rules Division

Step 2: Parts of a proposed amendment

- Header
- Rule Number and Title
- Purpose for Amendment
- Text
- Form(s) (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note (if applicable)

Proposed Amendment

Step 3: Drafting the text of a proposed amendment

Example

Header. This is written in **bold** typeface and includes number and name of department, number and name of division and number and name of chapter.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

Type of rulemaking.

PROPOSED AMENDMENT

Number and title. This is written in **bold** typeface.

15 CSR 30-750.003 Filing Requirements. The secretary is amending section (1) adding a new section (2) and deleting the forms which follow the rule in the *Code of State Regulations*.

Write a statement to follow the title stating what is being amended. If forms are to be deleted from the rule, a reference to the deleted material is included in this statement.

Write a *PURPOSE* statement giving the reasons for amending the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

PURPOSE: This amendment changes the number of copies of proposed rulemaking required to be filed and adds the requirement for filing a fourth copy with an emergency rulemaking.

Draft the text of the amendment.

(1) When filing any proposed rule, proposed amendment, proposed rescission, *[emergency rule, emergency amendment, emergency rescission or emergency termination]* an original and *[three (3)] two (2)* copies will be required for filing.

Material that is being deleted is to be placed in *[brackets]* and printed in *italic* typeface. The bracketed material precedes the new text.

New text is printed in **bold** typeface. This material comes after the deleted text.

(2) When filing any emergency rule, emergency amendment, emergency rescission or emergency termination, an original and three (3) copies will be required for filing.

NOTE: If a change occurs in a subsection, all text indented under that subsection must be included.

Proposed Amendment

NOTE: If forms are published with the rule, the language "included herein" must appear in the text of the rule and the form will appear before the authority section. For example see Proposed Rule.

NOTE: If forms are not published with the rule, the language "incorporated by reference," will be used. A publisher's note will be printed with the rule and the forms must be filed in the Office of the Secretary of State.

NOTE: Reference material may be incorporated in the text of the rule by using the language "incorporated by reference." A current copy of this material must be on file in the Office of the Secretary of State, as well as with your own agency. A Publisher's Note will be printed with the rule.

AUTHORITY SECTION—this gives the most recent statutory cite for the authority to promulgate the rule. This section includes the history currently found in the *Code of State Regulations*, as well as the date the amendment was filed.

PUBLIC COST (requires an affidavit)—this states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST—this states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Example—continued

AUTHORITY: section 536.023, RSMo [Supp 1998] 2000. Original rule filed March 25, 1997, effective Sept. 30, 1997. Amended: Filed May 24, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions two thousand four hundred fifty-six dollars (\$2,456) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

Proposed Amendment

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed amendment at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed amendment in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed amendment and the address to which the comments should be directed (section 536.021.2(5), RSMo 2000). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo 2000).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered. The hearing shall be held not less than thirty (30) days after publication of the proposed amendment in the *Missouri Register*.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of the proposed rulemaking in the *Missouri Register* (see section 536.021.2(6)).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Administrative Rules Division, Lynne Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OR

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Administrative Rules Division, Lynne C. Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 9:00 a.m., August 17, 2001 in the Interpretive Center in the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.*

Proposed Amendment

Step 4: Preparing the rule packet for filing

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.
- This section contains a checklist of items for filing.
- This section describes the type of rulemaking action and dates necessary for filing.
- This section allows you to add any additional information.

NOTE: Only the first page of the rule transmittal sheet is completed for the proposed amendment.



Example

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number _____
Diskette File Name _____
Name of person to call with questions about this rule:
Content _____ Phone _____ FAX _____
Data entry _____ Phone _____ FAX _____
E-mail address _____
Interagency mailing address _____
Statutory Authority _____ Current RSMo date _____
Date filed with the Joint Committee on Administrative Rules _____

B. CHECK, IF INCLUDED:

- | | |
|---|---|
| <input type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages _____ | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

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MUST include effective date _____
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- ☐ In addition
- ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

JCAR Stamp

Proposed Amendment

B. Prepare cover letter

Example

Address letter to the secretary of state

Date:

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65102

Dear Secretary Blunt,

List rule number and title (may include more than one rule)

RE: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the proposed amendment

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by *name of your department, board or commission* on this *date*.

Include date of filing

The *name of your department, board or commission* has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The *name of your department, board or commission* also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo and that this proposed amendment does not constitute a taking of real property under relevant state and federal law.

State economic impact on small business

State that a takings analysis has occurred

Statutory Authority: sections—*your agency's statute for rulemaking*.

If there are any questions regarding the content of this proposed amendment, please contact:

Name

Address

Phone Number

E-mail

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division.

Signature of proper authority

Name and title of proper authority

Name of department, board or commission

C. Prepare affidavit (public cost)

AFFIDAVIT

PUBLIC COST

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, *name of person with authority, name of department, board or commission*, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment, *number of rule*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Subscribed and sworn to before me this _____ day of *month, year*. I am
commissioned as a notary public within the County of *name of county*, State of
Missouri, and my commission expires on *date*.

Notary Public



Affidavit (public cost)

PUBLIC COST

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.)

Subscribed and sworn to before me this _____ day of *month, year*. I am commissioned as a notary public within the County of *name of county*, State of Missouri, and my commission expires on *date*.

10/01

Proposed Amendment

D. Review proposed amendment and all attached documents.

E. Fiscal Notes—Public and Private

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000).

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.



Example

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Amendment

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed amendment
- Detailed estimated cost of compliance with the proposed amendment
- Agency's assumptions, references and methods of acquiring information that results in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the same numbers are utilized.



Example

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Amendment

F. Prepare for filing any forms that have been "included herein" in the text of the rule

G. Prepare for filing any material and forms that have been "incorporated by reference" in the text of the rule

H. Prepare diskette, formatted in Microsoft Word, containing the text of the proposed amendment



Proposed Amendment

Step 5: Final preparations

Assemble packet for each amendment in the following order—

1. Rule Transmittal sheet
2. Cover letter
3. Affidavit
4. Amendment (with bolds and brackets)
5. Fiscal note (if applicable)
6. Forms ("included herein")
7. A properly formatted diskette, in Microsoft Word, containing the proposed amendment.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR.

Make two (2) copies of the entire packet for filing with the Office of the Secretary of State.

Make as many copies of the packet as needed for your own records.

Each amendment is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 337, 600 W. Main St., Jefferson City, Missouri.

Bring diskette containing the text of proposed amendment formatted in Microsoft Word.



Proposed Amendment

Step 7: Statement of actual cost (section 536.200.2, RSMo 2000)

After one (1) full fiscal year of implementation of the amendment—

- Review the original public fiscal note or affidavit if the original cost was projected to be less than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual public cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost together with the actual cost as determined by the agency.
- The statement must be published in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1198–1199). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

**Title 10—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking**

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on May 1, 2000 (25 MoReg 1199) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

Proposed Rescission

Step 1: Preparing for a proposed rescission

- Determine the statutory authority
- Determine if the rescission is necessary (section 536.016, RSMo 2000)
- Determine economic impact on small businesses (Executive Order 96-18)
- Perform a takings analysis (section 536.017, RSMo 2000)
- Determine the cost associated with the rescission (sections 536.200 and 536.205, RSMo 2000)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* on diskette from the staff in Administrative Rules Division

Step 2: Parts of a proposed rescission

- Header
- Rule Number and Title
- Purpose for Rescission
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note (if applicable)

Proposed Rescission

Step 3: Drafting a proposed rescission

Example

Header. This is written in **bold** typeface and includes number and name of department, number and name of division and number and name of chapter.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 750—Painless Rulemaking

Type of rulemaking.

PROPOSED RESCISSION

Number and title. This is written in **bold** typeface.

15 CSR 30-750.005 Filing Rules by ATMS. This rule provided for the formatting procedure to follow when filing a rule.

Write a statement to follow the title stating in past tense the original purpose of the rule.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

Write a *PURPOSE* statement giving the reason for rescinding the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

AUTHORITY: section 536.023, RSMo 1984. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Rescinded: Filed May 14, 2001.

AUTHORITY SECTION—this will include the complete history that is currently found in the *Code of State Regulations* as well as the current date of filing.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PUBLIC COST (requires an affidavit)—this states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST—this states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Proposed Rescission

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rescission at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rescission in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rescission and the address to which the comments should be directed (section 536.021.2(5), RSMo 2000). If no hearing is to be held, a statement to that effect must be included (section 536.021.2(6), RSMo 2000).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered. The hearing shall be held not less than thirty (30) days after publication of the proposed rescission in the *Missouri Register*.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see section 536.021.2(6), RSMo 2000).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Secretary of State, Administrative Rules Division, Lynne C. Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OR

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of the Secretary of State, Administrative Rules Division, Lynne C. Angle, Director, PO Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 9:00 a.m., August 17, 2001 in the Interpretive Center in the James C. Kirkpatrick State Information Center, 600 W. Main St., Jefferson City, Missouri.*

Proposed Rescission

Step 4: Preparing the rule packet for filing

Prepare rule transmittal sheet

A. This section gives information to Administrative Rules Division staff about your rule and the people in your agency who work with rules.

B. This section contains a checklist of items for filing.

C. This section describes the type of rulemaking action and dates necessary for filing.

D. This section allows you to add any additional information.

NOTE: Only the first page of the rule transmittal sheet is completed for the proposed rescission.



Example

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number _____
Diskette File Name _____
Name of person to call with questions about this rule: _____
Content _____ Phone _____ FAX _____
Data entry _____ Phone _____ FAX _____
E-mail address _____
Interagency mailing address _____
Statutory Authority _____ Current RSMo date _____
Date filed with the Joint Committee on Administrative Rules _____

B. CHECK, IF INCLUDED:

- | | |
|---|---|
| <input type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages _____ | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (circle one) rule, amendment, rescission, or termination
MUST include effective date _____
- ☐ Proposed Rulemaking (circle one) rule, amendment, or rescission
- ☐ Order of Rulemaking (circle one) rule, amendment, rescission, or termination
MUST complete page 2 of this transmittal
- ☐ Withdrawal (circle one) rule, amendment, rescission or emergency)
- ☐ Rule action notice
- ☐ In addition
- ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, material to be incorporated by reference, or forms included herein).

JCAR Stamp

Proposed Rescission

B. Prepare cover letter

Address letter to the secretary of state

List rule number and title (may include more than one rule)

Certify that the attached are complete and accurate copies of the proposed rescission

Include date of filing

State economic impact on small business

State that a takings analysis has occurred

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division.

Example

Date:

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rescission lawfully submitted by *name of your department, board or commission* on this *date*.

The *name of your department, board or commission* has determined and hereby certifies that this proposed rescission will not have an economic impact on small businesses. The *name of your department, board or commission* also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo and that this proposed rescission does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: sections—*your agency's statute for rule-making*.

If there are any questions regarding this content of this rescission, please contact:

Name

Address

Phone Number

E-mail

Signature of proper authority

Name and title of proper authority

Name of department, board or commission

Proposed Rescission

C. Prepare affidavit (public cost)

Example

AFFIDAVIT

PUBLIC COST

Cost less than five hundred dollars (\$500)—state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency or political subdivision.

STATE OF MISSOURI)
COUNTY OF COLE) ss.

I, *name of person with authority, name of department, board or commission*, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed rescission of *number of rule* is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.)

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Subscribed and sworn to before me this _____ day of *month*, *year*. I am commissioned as a notary public within the County of *name of county*, State of Missouri, and my commission expires on *date*.

Notary Public

Proposed Rescission

Example

Affidavit (public cost)

Cost greater than five hundred dollars (\$500)—state that the cost is a reasonably accurate estimate.

Requires signature of **proper** authority. (This signature is statutorily required to be on file in the Office of the Secretary of State.)



STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, *name of person with authority, name of department, board or commission*, first being duly sworn, on my oath, state that it is my opinion that the attached fiscal note for the proposed rescission of *number of rule* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Subscribed and sworn to before me this _____ day of *month, year*.
I am commissioned as a notary public within the County of *name of county*, State of Missouri, and my commission expires on *date*.

Notary Public

Proposed Rescission

D. Review proposed rescission and all attached documents

E. Fiscal Notes—Public and Private

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo 2000).

- Summary of fiscal impact
- Detailed estimated cost of compliance
- Agency's assumptions, references and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statements to make sure the numbers match.

Example

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate

III. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) (section 536.205, RSMo 2000)

- Summary of fiscal impact—number and type of entities affected and the associated cost of the proposed rescission
- Detailed estimated cost of compliance with the proposed rescission
- Agency's assumptions, references and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the same numbers match.

F. Prepare diskette, formatted in Microsoft Word, for delivery with the proposed rescission

Example

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:

II. WORKSHEET

IV. ASSUMPTIONS

Proposed Rescission

Step 5: Final preparations

Assemble packet for each rescission in the following order—

1. Rule transmittal sheet
2. Cover letter
3. Affidavit
4. Rescission
5. Fiscal note (if applicable)
6. Prepare diskette, formatted in Microsoft Word, containing the text of the proposed rescission.

Make one (1) copy of packet for filing with the Joint Committee on Administrative Rules (JCAR). This should include an original cover letter addressed to JCAR.

Make two (2) copies of the entire packet for filing with the Office of the Secretary of State.

Make as many copies of the packet as needed for your own records.

Each rule is submitted as a separate filing and must include all of the above.

Step 6: Filing of rule

On the same day—

Take original and all copies to JCAR, Capitol Building B-8, Jefferson City, Missouri, to be stamped (JCAR will keep one (1) copy).

Bring the JCAR stamped original and all copies for filing to the Office of the Secretary of State, James C. Kirkpatrick State Information Center, Room 337, 600 W. Main St., Jefferson City, Missouri.

Bring diskette formatted in Microsoft Word containing the proposed rescission.

